

# Exhibit 2

**Jodi Tesser**

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**From:** Finger, Anna K. <Anna.K.Finger@lockelord.com>  
**Sent:** Tuesday, June 25, 2019 12:32 PM  
**To:** Jodi Tesser; Goodin, Matthew  
**Cc:** Barry Temkin  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Jodi,

We agree that FXCM may hold off on preparing a formal response, at least until after we have had another chance to confer. Will you be back in the office and available on July 8th or 9th?

Thanks,

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Jodi Tesser <JTesser@moundcotton.com>  
**Sent:** Tuesday, June 25, 2019 11:12 AM  
**To:** Goodin, Matthew <JMGoodin@lockelord.com>; Finger, Anna K. <Anna.K.Finger@lockelord.com>  
**Cc:** Barry Temkin <BTemkin@moundcotton.com>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Matthew:

Just following-up on my email below.

Thanks

Jodi

**From:** Jodi Tesser <JTesser@moundcotton.com>  
**Sent:** Friday, June 21, 2019 12:21 PM  
**To:** Goodin, Matthew <JMGoodin@lockelord.com>; Finger, Anna K. <Anna.K.Finger@lockelord.com>  
**Cc:** Barry Temkin <BTemkin@moundcotton.com>; Jodi Tesser <JTesser@moundcotton.com>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Matthew,

Further to our conversation, attached please find our letter to Plaintiffs' counsel concerning the categories of documents FXCM has agreed to produce in response to Plaintiffs' subpoena. I suggest we set up a call in the next few weeks to discuss whether the production of the various categories of documents identified in the letter will satisfy Defendants' subpoena. Let us know whether you will accept this letter in lieu of formal written objections to Defendants' subpoena. Otherwise, I am requesting an extension to serve FXCM's objections to the subpoena until after we have a call so that we can determine if there is anything that Defendants still need in response to their subpoena and, if so, to access whether or not FXCM would agree to produce the additional material.

Please provide dates for a follow-up call. I am out of the office July 4<sup>th</sup> week.

Regards,

Jodi

**From:** Goodin, Matthew <JMGoodin@lockelord.com>

**Sent:** Friday, June 14, 2019 9:55 AM

**To:** Jodi Tesser <JTesser@moundcotton.com>; Finger, Anna K. <Anna.K.Finger@lockelord.com>

**Cc:** Barry Temkin <BTemkin@moundcotton.com>

**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Thanks, Jodi. We're fine with another week on the written response but I do think it would be helpful to get something on paper that indicates what materials your client has or is likely to have. In terms of a subsequent production, we'd also be fine with something iterative as long as we can stay in touch and keep the process moving. What we really want is to understand your client's business model and whether it's consistent or inconsistent with plaintiffs' allegations in this case. In that regard, below are a few question you might talk through with your client to help facilitate our discussions.

At any point during the period 2007-2013, did FXCM:

1. Register with the Commodity Futures Trading Commission (CFTC) as a Retail Foreign Exchange Dealer ("RFED")?

- If RFED registration requirements were in effect from 2007-2010, would your firm have needed to register with the CFTC as an RFED at that time based on the retail foreign exchange services it provided to customers?

2. Ever become, or apply to become, a "Forex Dealer Member" or "FDM" at the National Futures Association (NFA)?

3. Ever offer or enter into transactions in foreign currency on a principal-to-principal basis with retail counterparties? (A *retail counterparty* would be any person with less than \$10 million in total assets.)

- Does your answer to #3 change if you include transactions that may have been immediately offset through a back-to-back trade with another counterparty?

4. Solicit or accept customer orders for FX-related futures contracts or exchange-traded FX options?

- Were all of these contracts executed/traded on, or subject to the rules of, a regulated futures exchange?
- Were all of these trades submitted to a derivatives clearing organization (DCO) (*i.e.*, the clearing house for the futures exchange)?

If you're able to discuss these questions with your client and let us know the answers, that could do a lot to advance our discussions I believe. Thanks,

Matt Goodin

LOCKE LORD LLP

[jmgoodin@lockelord.com](mailto:jmgoodin@lockelord.com)

Office: 312.443.0472  
Cell: 312.545.5523

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Friday, June 14, 2019 8:20 AM  
**To:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>; Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>; Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Matt:

I forgot to bring this up on the call. Can we have some extra time to prepare our draft objections to Defendants' subpoena.

I will report back to you shortly concerning the items we agreed to produce to the plaintiffs.

Thanks

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Friday, June 07, 2019 2:43 PM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>; Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

We are amenable to another week for your objections—June 14.

Monday or Tuesday would be best for us for a call. Please let me know your availability.

Thanks,

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Thursday, June 6, 2019 11:27 AM  
**To:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>; Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>  
**Subject:** Re: Subpoena in Contant v. Bank of America, et al.

Hi Anna.

I've been out of town all week for depositions. I'm back in the office tomorrow and will circle back around with Barry to confirm a day and time next week for a call. In the meantime, can I get another short extension on the time to serve my client's objections.

Thanks.

Jodi

On Jun 6, 2019, at 12:03 PM, Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)> wrote:

Jodi,

I am following up on our initial conversation a few weeks ago. Were you and Barry able to determine a date within the next week or so that you are able to have a follow-up call with myself and Matt Goodin, copied here, to more substantively address your concerns with the subpoena? I expect that conversation will allow you to better explain to your client what we are interested in and consider what FXCM is able to produce. Can I still expect to receive your objections by tomorrow in the meantime? Please let me know as soon as possible.

Thank you,

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Finger, Anna K.  
**Sent:** Wednesday, May 22, 2019 6:06 PM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Jodi,

We can use the following dial in for our call at 10:00 am EST (9:00 am my time, CST) tomorrow:

Toll free - USA: 1-888-453-4408  
Participant Passcode: 874 610 2025

Talk to you then.

Thanks,

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Monday, May 20, 2019 10:16 AM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** Re: Subpoena in Contant v. Bank of America, et al.

Sure. 10:00 is fine. Thank you!

Sent from my iPhone

On May 20, 2019, at 08:13, Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)> wrote:

I have another call at 11:00. Can we do it a little earlier. 10:00 or 10:15?

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Monday, May 20, 2019 11:09 AM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** Re: Subpoena in Contant v. Bank of America, et al.

Great. Can we plan on 10:30am EST on Thursday?

Sent from my iPhone

On May 20, 2019, at 07:54, Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)> wrote:

Anna:

I am at a deposition in the afternoon of May 22, but can be available in the morning on May 23.

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Monday, May 20, 2019 10:45 AM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** Re: Subpoena in Contant v. Bank of America, et al.

Jodi,

Are you available a little later in the day on Wednesday to push our call? Else, can we do the morning of the 23rd? I apologize I am out of town the next couple days and ran into some scheduling issues. Please let me know.

Thanks,

Anna

Sent from my iPhone

On May 15, 2019, at 14:12, Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)> wrote:

Yes, we are amenable to an extension. I'll propose June 7 as the latest, which is over two weeks additional time. Does that work?

Thanks,

**Anna K. Finger**

Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Wednesday, May 15, 2019 4:10 PM  
**To:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>; Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Thanks Anna.

In light of our scheduled meet and confer, can we get an extension of our time to provide objections/respond to the subpoena. I believe we currently have until May 23.

Thanks!

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Tuesday, May 14, 2019 11:09 AM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

No problem, that works too. 9:00 it is.

Thanks!

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Tuesday, May 14, 2019 10:09 AM  
**To:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Cc:** Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>; Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

Anna:

My apologies. Something has come up in the afternoon of May 22. Can we aim for that morning? Say 9:00?

Thanks

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Tuesday, May 14, 2019 10:56 AM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

That's fine—3:00 on May 22 will work. Talk then.

Thanks,

**Anna K. Finger**  
Associate Attorney  
Locke Lord LLP  
T: 214-740-8558

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Monday, May 13, 2019 11:31 AM  
**To:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Cc:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

**From:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Sent:** Monday, May 13, 2019 12:29 PM  
**To:** anna.K. <[Finger@lockelord.com](mailto:Finger@lockelord.com)>  
**Cc:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>; Barry Temkin <[BTemkin@moundcotton.com](mailto:BTemkin@moundcotton.com)>  
**Subject:** RE: Subpoena in Contant v. Bank of America, et al.

**Anna:**

We are available in the afternoon only on May 22. How does 3:00 p.m. work with your schedule?

Jodi

**From:** Finger, Anna K. <[Anna.K.Finger@lockelord.com](mailto:Anna.K.Finger@lockelord.com)>  
**Sent:** Friday, May 10, 2019 4:31 PM  
**To:** Jodi Tesser <[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Cc:** Goodin, Matthew <[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>  
**Subject:** Re: Subpoena in Contant v. Bank of America, et al.

Jodi,



I am happy to set up a meet and confer regarding HSBC's subpoena to Forex Capital Market, LLC. I will be out of the office on May 16-17. Are you available earlier in the week—May 14 or 15? Or I can do May 22. Let me know what works for you.

Thanks,

Anna K. Finger  
Associate Attorney  
Locke Lord, LLP  
(214) 740-8558

**From:** Jodi Tesser  
<[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>

**Sent:** Friday, May 10, 2019 11:30 AM  
**To:** Goodin, Matthew  
<[JMGoodin@lockelord.com](mailto:JMGoodin@lockelord.com)>  
**Cc:** Jodi Tesser  
<[JTesser@moundcotton.com](mailto:JTesser@moundcotton.com)>  
**Subject:** Subpoena in Contant v. Bank of America, et al.

Dear Attorney Goodin:

We represent Forex Capital Market, LLC in connection with the subpoena served by Defendants in the Contat v. Bank of America matter. We would like to schedule a meet and confer with you concerning the subpoena, and are available on May 16 and 17. Please let us know whether you have any time either of those days.

We look forward to hearing from you.

Regards,

**Jodi S. Tesser**

***Special Counsel***

**Mound Cotton Wollan & Greengrass LLP**

One New York Plaza

New York, NY 10004

Tel: (212) 804-4525

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